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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,180	01/31/2002	Peter Egelund	PATRADE	5353

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EXAMINER

NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,180

Applicant(s)

EGELUND ET AL.

Examiner

Phong H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities: it appears that claim 15 depends on claim 13 but claim 14. Appropriate correction is required.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-5 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gebhardt (Des. 306,676).

Regarding claims 1-3, Gebhardt teaches a kitchen utensil comprising a tool and a handle having a V shaped cross-section. See Figs. 1-7.

Regarding claim 4, 5 and 12, it appears that the kitchen utensil is a single piece and is made of stainless steel. It is to be noted that using stainless steel to make kitchen utensils is well known in the art.

Regarding claims 10 and 11, the utensil is a barbecue tool.

Claim Rejections - 35 USC § 103

4. Claims 4-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt (Des. 306,676) in view of Prindle (4,317,284).

Gebhardt teaches the invention substantially as claimed except for the material of the utensil. Prindle teaches the use of stainless steel or synthetic polymer plastic to make a utensil. See first paragraph of col. 3. Therefore, it would have been obvious to one

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skilled in the art to use stainless steel or synthetic polymer plastic to make a utensil for easily cleaning or for reducing the weight of the utensil.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt (Des. 306,676).

Gebhardt teaches one spoon. However, providing a utensil set comprising at least two spoons is routine skill in the art. Therefore, it would have been obvious to one skilled in the art to stack at least two spoons on top of each other to save space.

6. Claims 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Formo et al. (4,524,512), hereinafter Formo, in view of Prindle (4,317,284).

Formo teaches the invention substantially as claimed except for the material of the utensil. Prindle teaches the use of stainless steel to make utensils. See first paragraph of col. 3. Therefore, it would have been obvious to one skilled in the art to use stainless steel to make Formo's utensils for easily cleaning.

7. Claims 13-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garabedian (5,572,792) in view of Gebhardt (Des. 306,676).

Garabedian teaches a kitchen utensil set comprising a spatula, a brush holder and a fork. See Figs. 2-4. Garabedian fails to teach V shaped cross-section handles.

Gebhardt teaches V shaped cross-section handles. See Figs. 1-7. Therefore, it would have been obvious to one skilled in the art to incorporate the Gebhardt's handle to the Garabedian's utensils since the Gebhardt's handle takes less material to manufacture.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garabedian (5,572,792) in view of Gebhardt (Des. 306,676) and Weber (Des. 364,784).

Garabedian teaches a kitchen utensil set comprising a spatula, a brush holder and a fork. See Figs. 2-4. Garabedian fails to teach a V shaped cross-section handle and a mounting hole on a handle.

Gebhardt teaches V shaped cross-section handles. See Figs. 1-7. Therefore, it would have been obvious to one skilled in the art to incorporate the Gebhardt's handle to the Garabedian's utensils since the Gebhardt's handle takes less material to manufacture.

Weber (Des. 364,784) teaches a mounting hole on a handle. See Fig. 1. Therefore, it would have been obvious to one skilled in the art to provide a mounting hole on the modified handle of Garabedian so that the kitchen utensil can be hung on a kitchen wall.

Response to Arguments

9. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H Nguyen whose telephone number is 571-272-4510. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PN:

February 18, 2005


Allan N. Shoap
Supervisory Patent Examiner
Group 3700